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DEPARTMENT FOR EUR/AGS, EUR/PPD, L/LEI, AND S/CT.
JUSTICE FOR BARBARA BERMAN AND PATRICIA REEDY.
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SUBJECT: GERMANY'S FIRST "CYBER JIHADIST" INDICTED IN LOWER SAXONY

REF: A. A) BERLIN 1398

[B](#). B) 06 BERLIN 3323

[1](#)1. (SBU) SUMMARY: German police arrested Ibrahim Rashid on October 10, 2006 near Osnabrueck, Lower Saxony under a warrant issued by the German Federal High Court on September 28, 2006. On June 28, 2007 the Federal Prosecutor charged him with 28 separate counts of recruiting members and supporters for Al-Qaeda and Al-Qaeda in Iraq during the time period of October 6, 2005 to October 1, 2006. While a trial date has not yet been determined, the spokesperson of the Celle Higher Appellate Court speculated that hearings will begin in late summer 2007. END SUMMARY.

"Cyber Jihadist" Activities in Lower Saxony

[1](#)2. (SBU) Ibrahim Rashid (37) is an Iraqi national who had been living in Georgsmarienhuetten in the state of Lower Saxony, Germany for eight years prior to his arrest on October 10, 2006. Since then, he has been in pre-trial custody. The Federal Prosecutor's Office has accused Rashid of spreading statements by Osama Bin Laden, Ayman Al-Zawahiri, and Abu Musab Al-Zarqawi over the internet. The prosecutor claims that he did this in an open chat room called "Supporters of Jihadists" by playing real-time video and audio files, posting links to internet sites where these files were available, and pasting the texts of Al-Qaeda speeches in the chat window (Note: These speeches partially included instructions on how to commit terrorist acts. End Note.). Rashid is accused of agreeing with the messages, calling for participation in Jihad, idealizing martyrdom, and reporting on "successful Mujaheddin attacks."

German Federal High Court Only Partially Admitting Indictment

[1](#)3. (SBU) In a conversation with Pol/Econ Specialist, Celle Higher Appellate Court Spokesperson Dr. Stephanie Springer noted that the Federal Prosecutor originally wanted to charge Rashid with support of a terrorist organization. However, Springer pointed out that in its May 16, 2007 landmark decision the German Federal High Court rejected that charge, arguing that following the revision of the German Penal Code in 2003, the mere promotion of terrorism, calls for Holy War and terrorist activities are no longer punishable (Note: Prior to the penal code changes in 2002 and 2003, every form of promotion of terrorist organizations or affirmative description of terrorist

activities was indictable. End Note.)). Therefore, the prosecution now needs to concretely prove that Rashid attempted to recruit members and supporters for Al-Qaeda.

¶4. (SBU) COMMENT: Prior to the SPD-Greens revision of the German Legal Code in 2002-2003, promotion of terrorism and calls for Jihad were punishable. The revision of this legislation is now haunting the prosecution in the Rashid trial, which is obliged to prove that Rashid not only expressed sympathy for and promoted terrorist acts, but also tried to recruit members and supporters for Al-Qaeda and Al-Qaeda in Iraq. The case is the first of its kind in Germany in that the accused is being charged as a recruiter even though he is not charged of formally belonging to either Al-Qaeda or Al-Qaeda in Iraq. Also, it is the first time that a "cyber Jihadist" is accused in Germany.

¶5. (SBU) The case also has the potential to further fuel the national debate on online investigations and preventative observation (Ref A). The Rashid case demonstrates that preventative observation can deliver results and seems to have motivated Lower Saxony to consider altering existing laws to make such observation constitutional. In July 2005, the Federal Constitutional Court had ruled against a measure in Lower Saxony's police law permitting preventative observation because the law was not "differentiated enough." However, shortly after Rashid's arrest Lower Saxony's Interior Minister Schuenemann announced that the state was considering how to alter the measure and reinsert it into its police law. In June 2007, the Lower Saxony Parliament began debates on changes to the police law that would permit limited preventative observation. END COMMENT.

¶6. (U) This message has been coordinate with Embassy Berlin.

BUTCHER